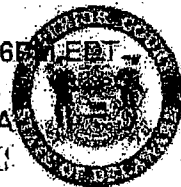


EXHIBIT “A”

EFiled: Jun 26 2008 6:56 PM

Transaction ID 20427072

Case No. 08C-06-223 PLA



SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CI)

COUNTY: (New Castle) Kent Sussex

CIVIL ACTION NUMBER: _____

CAPTION: <u>EARL J. HIBBITTS</u> <u>Plaintiff,</u> <u>v.</u> <u>CHARLES HALE, INDIAN RIVER TRANSPORT, INC.,</u> <u>HERITAGE EQUIPMENT LEASING, LLC, and</u> <u>HERITAGE MANAGEMENT GROUP, INC.,</u> <u>Defendants.</u>	Civil Case Code: <u>CPIA</u> Civil Case Type: <u>Personal Injury Auto</u> Name and Status of Party filing document: <u>EARL J. HIBBITTS, Plaintiff</u> Document Type: (E.G. Complaint; Answer with Counterclaim) <u>COMPLAINT, SUMMONS, ANSWER TO FORM 30</u> <u>INTERROGATORIES, AND PRAECIPE.</u> JURY DEMAND: <u>X</u> Yes <u> </u> No
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ATTORNEY NAME: <u>Lawrance Spiller Kimmel, Esq.</u> ATTORNEY ID: <u>4725</u> FIRM NAME: <u>Kimmel, Carter, Roman & Peltz</u> ADDRESS: <u>Plaza 273</u> <u>56 West Main Street, 4th Floor</u> <u>Newark, Delaware 19702</u> TELEPHONE NUMBER: <u>(302) 565-6100</u> FAX NUMBER: <u>(302) 565-6101</u> E-MAIL ADDRESS: <u>lkimmel@kcrclaw.com</u>	IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS: <u>None.</u> EXPLAIN THE RELATIONSHIP: <u>Not Applicable</u> OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: <u>Not Applicable</u>
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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

PRAECIPE

PLEASE ISSUE SUMMONS, COMPLAINT, and PLAINTIFF'S ANSWERS
TO SUPERIOR COURT FORM 30 INTERROGATORIES on:

- 1) Defendant Charles Hale at 2580 Executive Road, Winterhaven, FL 33884,
through the Secretary of State pursuant to 10 Del.C. § 3112;
- 2) Defendant Indian River Transport, Inc., through the corporation itself at 2580
Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to 10
Del.C. § 3104.
- 3) Defendant Heritage Equipment Leasing, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104;
- 4) Defendant Heritage Management Group, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

THE STATE OF DELAWARE,

TO THE SHERIFF OF KENT COUNTY:

~~YOU ARE COMMANDED:~~

To summon the above named defendant's so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon Lawrence Spiller Kimmel, Esquire, plaintiff's attorney, whose address is 200 Biddle Avenue, Suite 101, Springside Plaza, Newark DE 19702, an answer to complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

SHARON AGNEW

Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON AGNEW

Prothonotary

Per Deputy

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

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EARL J. HIBBITTS,

Plaintiff,

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CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

COMPLAINT

1. On Tuesday, 7/18/06, at approximately 4:35 p.m., Plaintiff was operating his vehicle, stopped in traffic on southbound New Castle Avenue, in New Castle, New Castle County, Delaware, when he was struck from the rear by a vehicle left unoccupied by Defendant Hale, who had left his vehicle unattended in a negligent and careless manner, causing his vehicle to roll down a hill and into the Plaintiff's vehicle, causing Plaintiff's vehicle to strike two motor vehicles in front of him, resulting in injuries and damages to Plaintiff.

2. The conduct of Defendant Hale was negligent and careless in a manner which proximately caused the aforesaid accident in that he:

- (a) left his vehicle unattended in violation of 21 Del.C. Section 4182;
- (b) failed to maintain proper control over his vehicle; and,
- (c) operated his vehicle in a careless and/or inattentive manner in violation of 21 Del.C. Section 4176;

(d) failed to effectively set the brake of his vehicle when leaving it unattended in violation of 21 Del.C. Section 4182;

(e) failed to turn the front wheels to the curb or side of the highway in violation of 21 Del.C. Section 4182;

(f) failed to equip his vehicle with brakes adequate to control the movement of and to stop and to hold such vehicle and any trailer or semitrailer attached thereto including 2 separate means of applying the brakes in violation of 21 Del.C. Section 4303;

(g) failed to maintain the brakes of his vehicle in good working order and conform to regulations promulgated by the Secretary in violation of 21 Del.C. Section 4303;

(h) failed to maintain the brakes of his vehicle so the hand brake could hold such vehicle stationary on any grade upon which operated in violation of 21 Del.C. Section 4304;

(i) operated a vehicle with faulty and/or defective equipment, causing said vehicle to move forward when left unattended on the roadway.

3. The negligence of Defendant Hale is imputed to Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, since the former was operating the vehicle as the agent, servant and/or employee of Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, and was pursuing Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC's, and Heritage Management Group, LLC's business at the time of the aforesaid accident. Each Defendant must deny agency by affidavit pursuant to 10 Del. C. Section 3916.

4. As a result of the aforesaid conduct of Defendants, Plaintiff sustained injuries to his head, neck, back, shoulders, right upper extremity, left upper extremity, left lower extremity, right lower extremity, and other injuries, some or all of which may be permanent, pain and suffering, mental distress, a loss of earnings, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for his general and special damages, in an amount to be determined by a jury, plus costs and interest.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

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EARL J. HIBBITTS,

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Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**ANSWERS TO SUPERIOR COURT
FORM 30 INTERROGATORIES**

1. Give the names and present or last known residential and employment address and telephone number of each eye-witness to the incident which is the subject of litigation

ANSWER:

See the police report.

2. Give the names and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER:

See those listed in the Police Report, as well as plaintiff's friends, relatives, and business associates.

Christiana Hospital, 4755 Ogletown-Stanton Road, Newark, DE 19710;

Delaware Open MRI, H-42 Omega Drive, Newark, DE 19713;

Glasgow Surgery Center, 2600 Glasgow Ave., Ste. 226, Newark, DE 19702;

Dr. Arnold B. Glassman, 700 Lea Blvd, Suite 102, Wilmington, DE 19802;

Dr. Bruce H. Grossinger, Delaware Neurological Center, 4100 Dawnbrook Dr., Suite 4
Arbor Point Professional Center, Wilmington, DE 19804;

Dr. Stephen L. Hershey, First State Orthopaedics, Med. Arts Pav. Suites 225 and 238
4745 Ogletown-Stanton Rd., Newark, DE 19713-1338;

Dr. Victor R. Kalman, Morgan Kalman Clinic, 2501 Silverside Road, Wilmington, DE
19810;

Dr. Anne C. Mack, Delaware Back Pain & Rehab Center, 2600 Glasgow Avenue
Suite 210, Newark, DE 19702;

Scomed Supply, Inc., 316 Commerce Drive, Exton, PA 19341.

3. Give the names of all persons who have been interviewed in connection with the
above litigation, including the names and present and last known residential and
employment addresses and telephone numbers of the person who made the said
interviews and name and present or last known residential and employment addresses and
telephone numbers of persons who have the original and copies of the interview.

ANSWER:

None known.

4. Identify all photographs, diagrams, or other representations made in connection with
the matter in litigation giving the name and present or last known residential and
employment address and telephone number of the person having the original and copies
thereof. (In lieu thereof, a copy can be attached.)

ANSWER:

See Police Report.

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER:

See those physicians listed in Interrogatory number 2 above.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

~~a. The name and address of all companies insuring the risk;~~

b. The policy number;

c. The amount of primary, /secondary, and excessive coverage.

d. The type of insurance;

ANSWER:

Geico Insurance Company, 1 Geico Boulevard, Fredericksburg, VA 22412, (800) 841-1003, Claim Number: 0166116410101061 (15K/30K PIP - Exhausted);

Continental Casualty Company, PO Box 17369, Denver, CO 80217, Claim Number: TR903960 (Unknown LIAB)

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER:

See those physicians listed in Interrogatory number 2 above.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- ~~a. The name and address of all companies insuring the risk;~~
- b. The policy number;
- c. The amount of primary, /secondary, and excessive coverage.
- d. The type of insurance;

ANSWER:

Geico Insurance Company, 1 Geico Boulevard, Fredericksburg, VA 22412, (800) 841-1003, Claim Number: 0166116410101061 (15K/30K PIP – Exhausted);

Continental Casualty Company, PO Box 17369, Denver, CO 80217, Claim Number: TR903960 (Unknown LIAB)

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

ANSWER:

To be provided.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

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Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**AFFIDAVIT OF COUSEL PURSUANT
TO RULE 3(a)(1)(ii) AND (iii)**

STATE OF DELAWARE:

: SS

NEW CASTLE COUNTY:

LAWRANCE S. KIMMEL, being duly sworn this 26th day of June, 2008,

does depose and say:

1. He is attorney for plaintiff in the above-referenced action.
2. This action involves a claim for personal injuries where the plaintiff claims special damages that have and will be supplied.

FILING IN COMPLIANCE WITH SUPERIOR COURT RULE 3(h)

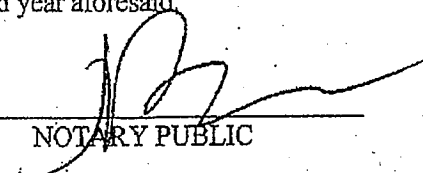
In compliance with Superior Court Civil Rule 3(h), Plaintiff attaches the following documentation:

- (i) Answers to Form 30 Interrogatories;
- (ii) Due to the volume of documentary evidence gathered in this case, it is impractical to attach photocopies of all documents to the complaint. Copies of all

documents discoverable under this rule will be forwarded to the attorney for the defendant once an appearance is made by defendant's counsel and a written request for these documents is made.


LAWRANCE SPILLER KIMMEL

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.


NOTARY PUBLIC

JONATHAN B. O'NEILL
ATTORNEY AT LAW
Notarial Officer, State of Delaware
Pursuant to 29 Del. C. § 4303(a)(2)
This commission expires 08/08/10